

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TAMMY BAKER  
O/B/O MICHAEL BAKER,

PLAINTIFF,

v.

CASE NO. 09-10507

COMMISSIONER OF SOCIAL SECURITY,

HONORABLE SEAN F. COX

DEFENDANT.

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**ORDER**  
**ACCEPTING AND ADOPTING REPORT & RECOMMENDATION**

Plaintiff brought this action seeking judicial review of the Commissioner's decision denying Mr. Baker's application for social security disability benefits. Thereafter, Defendant filed a Motion to Dismiss, which was referred to Magistrate Judge Virginia Morgan pursuant to 28 U.S.C. §636(b)(1)(B) & (C). On January 29, 2010, Magistrate Judge Morgan issued her R&R which recommends that the Motion to Dismiss be granted.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. "The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made." *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R.

The Court hereby **ADOPTS** the January 29, 2010 R&R. **IT IS ORDERED** that

Defendant's Motion to Dismiss is **GRANTED**.

**IT IS SO ORDERED.**

s/Sean F. Cox  
Sean F. Cox  
United States District Judge

Dated: February 26, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 26, 2010, by electronic and/or ordinary mail.

s/Jennifer Hernandez  
Case Manager